

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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JAMES BOOKER,

Plaintiff,

-against-

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

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AZRACK, United States District Judge:

For Online Publication Only

ORDER

20-CV-4444 (JMA)

**FILED
CLERK**

11/3/2020 12:15 pm

**U.S. DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
LONG ISLAND OFFICE**

Before the Court is the in forma pauperis application filed by pro se plaintiff James Booker (“plaintiff”). For the reasons that follow, the application to proceed in forma pauperis is denied without prejudice and with leave to renew upon completion of the AO 239 Long Form in forma pauperis application (“Long Form”) attached to this Order. Alternatively, plaintiff may remit the \$400.00 filing fee.

Rather than provide any financial information, plaintiff has answered “0” in response to almost every question on the form and has left several of the other questions blank. (See ECF No. 2.) Plaintiff reports that he is unemployed and has not received any income from any source in the past twelve months. (Id. ¶ 3.) He reports having no money in cash or in a checking or savings account and has left blank the spaces on the form that call for a description of anything owned of value, as well as any regular monthly expenses, such as housing, transportation, and utilities. (Id. ¶¶ 4-6.) Plaintiff also reports that his only debt or financial obligation is child support, although he does not include the amount owed. (Id. ¶ 8.)

Given that the responses provided by plaintiff raise more questions than they answer, plaintiff’s application is denied without prejudice and with leave to renew upon completion of the enclosed long form application within twenty one (21) days from the date of this Order.

Alternatively, plaintiff may remit the \$400.00 filing fee. Plaintiff is warned that his failure to timely comply with this Order may lead to the dismissal of the complaint without prejudice for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b).

The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith and therefore in forma pauperis status is denied for the purpose of any appeal. See Coppedge v. United States, 369 U.S. 438, 444-45, 82 S. Ct. 917, 8 L. Ed. 2d 21 (1962). The Clerk of Court shall mail a copy of this Order to the plaintiff at his address of record.

SO ORDERED.

Dated: November 3, 2020
Central Islip, New York

/s/ (JMA)
JOAN M. AZRACK
UNITED STATES DISTRICT JUDGE